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10 Attorney for Plaintiff  
SUNNYSIDE DEVELOPMENT COMPANY LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14  
15 SUNNYSIDE DEVELOPMENT  
COMPANY LLC,

16 Plaintiff,

17 vs.

18 CAMBRIDGE DISPLAY TECHNOLOGY  
20 LIMITED, CDT OXFORD LIMITED,  
21 OPSYS LIMITED, and JOHN DOES I  
through V,

22 Defendants.  
23

No. C-08-1780-MHP

**AFFIRMATION OF CHRISTOPH C.  
HEISENBERG IN OPPOSITION TO  
CDT LIMITED's MOTION TO  
DISMISS**

Courtroom 15, 18th Floor  
Hon. Marilyn Hall Patel

1  
2       1. I am an attorney with Traiger & Hinckley LLP, counsel to Plaintiff Sunnyside  
3 Development Company LLC (“Sunnyside” or “Plaintiff”). I submit this Affirmation to  
4 place before the Court certain documents referenced in Sunnyside’s opposition to the  
5 motion of Defendant Cambridge Display Technology Limited to dismiss the complaint  
6 herein. Additional exhibits 1 through 3, that third-party Ernst & Young LLP has  
7 produced under confidentiality restrictions, are being submitted in a separate affidavit  
8 filed in accordance with the Administrative Motion pursuant to Local Rule 79-5(d).  
9

10           The Documents Submitted Herewith

11       2. Attached as **Exhibit 4** is a true and correct copy of CDT’s May 24, 2005 Form  
12 8-K Filing announcing the entry by CDT into a memorandum of understanding with  
13 Sumitomo Chemical Co., Limited for the formation of a joint-venture.

14       3. Attached as **Exhibit 5** is a true and correct copy of CDT’s November 18, 2005  
15 Form 8-K Filing announcing the entry by CDT into a definitive joint-venture agreement  
16 with Sumitomo Chemical Co., Limited, forming a joint-venture entity Sumation Limited.  
17

18       4. Attached as **Exhibit 6** is a true and correct copy of the September 2007  
19 announcement of Sumitomo Chemical Co., Ltd.’s acquisition of CDT, Inc. for \$12 per  
20 share, or \$285 million.

21       5. Attached as **Exhibit 7** is a true and correct copy of *Hill v. Spread Trustee*,  
22 [2006] EWCA Civ 542 decision.

23       6. Attached as **Exhibit 8** is a true and correct copy of the United Kingdom’s  
24 Limitations Act of 1980.

25       7. Attached as **Exhibit 9** is a true and correct copy of a June 28, 2008 letter from  
26 Sunnyside’s United Kingdom attorneys at Beachcroft, to Opsys Limited’s Liquidator,  
27

1  
2 Mr. Anthony Hannon of the Insolvency Service, requesting the appointment to pursue  
3 claims on behalf of the estate under the United Kingdom's Insolvency Act of 1986 is.

4 8. On July 10, 2008 I spoke with Mr. Hannon about Sunnyside's application to  
5 be appointed as a liquidator. Although Mr. Hannon was not in a position to commit that  
6 Sunnyside would be authorized to proceed as liquidator, Mr. Hannon has led me to  
7 believe it is likely Sunnyside would be appointed to proceed on behalf of creditors.  
8

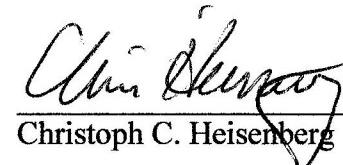
9 9. Attached as **Exhibit 10** is a true and correct copy of sections 139 and 231 of  
10 the Insolvency Act of 1986.

11 10. Attached as **Exhibit 11** is a true and correct copy of the decision *Inland*  
12 *Revenue Commissioners v Hashmi and anor*, CA, 3 May 2002 ¶23 issued by the Civil  
13 Court of Appeals for England and Whales.

14 11. Attached as **Exhibit 12** is a true and correct copy of the Memorandum of Law  
15 submitted by Cambridge Display Technologies, Inc. in the action *Sunnyside Development*  
16 *Co. LLC v. Bank of New York*, No. 07-cv-8825 (LLS).  
17

18 12. In accordance with 28 U.S.C. 1746, I affirm under the pains and penalties of  
19 perjury that the foregoing is true and correct to the best of my knowledge.

20 Dated: New York, New York  
21 August 18, 2008

22   
23 \_\_\_\_\_  
24 Christoph C. Heisenberg